REMARKS

This paper is responsive to the Office Action dated June 14, 2006 (the "Office Action").

Claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 were previously pending in the application.

Claims 21-23 and 54-56 have been amended in this paper. Support for the amendments may be found, for example, in original claims 21-23 and 54-56, and in the Specification as originally filed at pp. 16-17.

No claims have been added or canceled in this paper. Accordingly, claims 1, 3-11, 13-30, 33-37, 39-45, 48-52, and 54-56 remain pending.

Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected.

Claims 4, 7, 14, 17, 27-29 and 42-44 are under objection.

Claims 21-23 and 54-56 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,408,518, issued to Yunoki ("*Yunoki*").

Applicant offers that the pending claims are allowable in view of the remarks presented herein. While not conceding that the cited references qualify as prior art, Applicant has chosen to address the claim rejections as set forth below. The following arguments are made without

prejudice to Applicant's right to establish, for example in a continuing application, that the cited

reference does not qualify as prior art with respect to a currently or subsequently claimed aspect

of the invention. Applicant offers that the claims are allowable at least for the reasons presented

below.

Allowable Subject Matter

Applicant gratefully acknowledges the Office Action's indication that the objected

claims 4, 7, 14, 17, 27-29, and 42-44 would be allowable if rewritten in independent form

including all of the limitations of the base claim and any intervening claims. Applicant wishes to

maintain these claims in dependent form in view of the following remarks regarding the base

claims.

Rejection of Claims under 35 U.S.C. §101

Claims 21-23 and 54-56 stand rejected under § 101 as being directed to non-statutory

subject matter. Claims 21-23 and 54-56 have been amended. Applicant respectfully submits that

amended claims 21-23 and 54-56 are patentable under § 101, as discussed below.

The Office Action expresses a concern that the subject matter of claims 21-23 and 54-56

"is a form of energy, such as air waves" and "lacks storage medium which enables any

underlying functionality to occur." Applicant respectfully submits that these concerns are not

raised by Applicant's claims.

As amended, independent claim 21 is directed to a computer-readable medium that

includes a signal bearing medium and software code encoded on the signal bearing medium. The

Application No.: 09/460,089

software is configured to implement several acts. Applicant respectfully submits that a "signal bearing medium" is a physical, tangible, medium and is not merely a form of energy. Examples of such physical, tangible, signal bearing media are provided in the Specification, for example on pp. 16-17. Claim 21 addresses a definite computer-readable medium that includes a signal bearing medium, and is additionally characterized by software code encoded on the signal bearing medium. The communications medium is therefore a machine or a manufacture or a composition of matter, and is thus traditionally accepted as being patentable under § 101.

This point may additionally be seen from the preamble of the claim, which recites "A computer readable medium." This aspect of the claim—being readable by a computer—further emphasizes that the subject matter of claim 22 is a machine or a manufacture or a composition of matter, and is patentable under § 101.

Accordingly, Applicant respectfully submits that claim 22 is patentable under § 101. At least for similar reasons, Applicant respectfully submits that claims 23, 24, and 54-56 are also patentable under § 101, and respectfully requests that the rejections under § 101 be withdrawn.

Rejection of Claims under 35 U.S.C. §102(b)

Claims 1, 3, 5, 6, 8-11, 13, 15, 16, 18-26, 30, 33-37, 39-41, 45, 48-52 and 54-56 stand rejected under § 102(b) as being anticipated by *Yunoki*. Applicant respectfully submits that the claims are allowable over the cited art because *Yunoki* does not disclose each limitation of the pending claims.

Application No.: 09/460,089

For example, independent claim 1 reads as follows.

1. A method comprising:

extending a persistent invitation to a first network station client to join an ongoing

conference call in response to a determination that the first network station client

is unavailable to accept a non-persistent invitation to join the ongoing conference

call, wherein said extending is performed after the ongoing conference call has

begun and comprises,

issuing a token to the first network station client;

detecting an activation of said token by said first network station client; and

adding the first network station client to the ongoing conference call in response to said

detecting.

With regard to the limitation of "extending a persistent invitation . . . ," the Office Action

cites material including the following passages from *Yunoki*.

Getting invoked, the teleconference reservation notifier sends, via the SCP
controller 9 to the exchange 1, an instruction for obtaining data necessary for reserving a
teleconference run, i.e. data such as the names of the teleconference participants and the
date and time of the teleconference run. At this time, the teleconference reservation
notifier has the instruction include the ID number of a voice message to be sent to the call
originating subscriber. The IN call processor 10 in the exchange 1 converts the received
instruction into an instruction form processable by the call processing unit 4. The IN call
processor 10 converts the ID number of a voice message into an input parameter for the
VRE unit 3 for its emission to the call processing unit 4. On receiving the input
parameter from the call processing unit 4, the VRE unit 3 sends a pertinent voice message
to the call originating subscriber. This allows the call originating subscriber to receive a
voice procedural explanation e.g. "Please indicate the date and time of the
teleconference."

The call originating subscriber sequentially inputs the data necessary for reserving a
teleconference run according to the voice message for its emission via the call processing

Application No.: 09/460,089

unit 4 to the IN call processor 10. The IN call processor 10 then converts it to an IN message for its emission to the SCP 6. The SCP 6 sends the received data via the SCP controller 9 to teleconference reservation notifier in the teleconference registerer 7. The teleconference reservation notifier registers, in the database, the data (the names of the teleconference participants and the date and time of the teleconference run) necessary for reserving the teleconference run together with a teleconference ID.

Then, the teleconference reservation notifier notifies the teleconference participants dictated by the call originating subscriber of a teleconference run. More specifically, the teleconference reservation notifier emits, via the SCP controller 9 to the exchange 1, a call reception instruction for a teleconference participant, including a message e.g. regarding the date and time of the teleconference run. The IN call processor 10 in the exchange 1 converts the call reception instruction into an instruction processable by the call processing unit 4 for its emission to the call processing unit 4, which calls up the participant and notifies him of a teleconference run in a voice message by using the VRE unit 3.

(*Yunoki* at 5:28—6:5)

The above operations enable the teleconference reservation notifier in the teleconference registerer 7 to execute the process for reserving a teleconference run and the process for notifying all the participants of the teleconference run, as well as the process for canceling a scheduled teleconference and the process for notifying all the teleconference participants of the cancellation.

Each teleconference participant can confirm a teleconference status before a teleconference run, by making a request for confirming a teleconference status to an exchange 1 from any terminal among the group of terminals 5. The call processing unit 4 in the exchange 1 receives the request, and passes the request on to the IN call processor 10 on judging that the request is for the SCP 6. The IN call processor 10 converts the request to an IN (Intelligent Network) message for its emission to the SCP 6. The SCP controller 9 in the SCP 6 receives the IN message and analyzes its content, and invokes

Application No.: 09/460,089

the teleconference status confirmer in the teleconference registerer 7 on judging that the IN message is a request for confirming the teleconference status.

Getting invoked, the teleconference status confirmer sends, via the SCP controller 9 to the exchange 1, an instruction for obtaining an ID number of the teleconference whose status is confirmed. At this time, the teleconference status confirmer has the instruction include the ID number of a voice message to be sent to the teleconference participant making the request for status confirmation. On receiving the instruction from the SCP controller 9, the IN call processor 10 converts the instruction to an instruction form processable by the call processing unit 4, and converts the ID number of a voice message to an input parameter for the VRE unit 3 for its emission to the call processing unit 4. On receiving the input parameter from the call processing unit 4, the VRE unit 3 sends a pertinent voice message for the teleconference participant making the request for status confirmation. This allows the teleconference participant to receive a voice procedural explanation e.g. "Please indicate the teleconference ID."

The teleconference participant inputs the ID number of the teleconference whose status confirmation he/she requests for its emission via the call processing unit 4 to the IN call processor 10. The IN call processor 10 then converts it to an IN message for its emission to the SCP 6. The SCP 6 sends the received data via the SCP controller 9 to the teleconference status confirmer in the teleconference registerer 7. The teleconference status confirmer searches the teleconference data stored in the database registered together with the teleconference ID. The teleconference reservation notifier has registered in the database the teleconference ID for use as a key in a search for pertinent teleconference data such as the scheduled date and time.

(*Yunoki* at 6:61—7:47)

Applicant respectfully submits that the particular parts of *Yunoki* that the Office Action has relied upon have not been designated as nearly as practicable, and the pertinence of the reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). Applicant submits that the Office Action has not clearly pointed out the various aspects of the claim

Application No.: 09/460,089

limitations in the cited passages. For example, the Office Action does not include any indication as to what aspects of *Yunoki* are purported to correspond to the "persistent invitation," the "non-persistent invitation," the "token," or the "activation of said token" in Applicant's claim 1. Applicant has been left without clarity as to how these features are to be found in the lengthy passages cited in the Office Action. Nevertheless, the applicants have made every effort to respond to the rejections outlined by in the Office Action.

The cited portions of *Yunoki* describe a teleconference reservation notifier that uses a voice message to notify teleconference participants of a teleconference run. (*Yunoki* at 5:61—6:5.) At best, this voice message may be seen as an invitation to a teleconference. However, the Office Action does not make clear whether this voice message in *Yunoki* is to be understood as a persistent invitation or a non-persistent invitation. Regardless of whether the *Yunoki* voice message is understood as a "persistent invitation" or a "non-persistent invitation," it is clearly not both. More particularly, this single message can not be logically understood as a "**non-persistent initiation**" and also as "**a persistent invitation**" that is extended in response to a determination that a first network station client is unavailable to accept the non-persistent invitation. Accordingly, this limitation of Applicant's claim 1 is not disclosed in the cite portions of *Yunoki*.

Still further, the cited material fails to disclose the limitation of extending a persistent invitation "**after the ongoing conference call has begun.**" Again, the specific features of *Yunoki* that purportedly correspond to this limitation have not been pointed out in the Office Action. As discussed above, Applicant understands the Office Action as proposing that the voice message from *Yunoki* is an invitation. However, nowhere in the cited material is there a teaching that the *Yunoki* voice message is sent to participants after an ongoing conference has begun.

                                                                    Application No.: 09/460,089

Applicant also sees no such teaching in any other portion of *Yunoki*. Thus, this limitation is also not disclosed in the cited reference.

An example in Yunoki implies that a timing relationship exists between the voice message and a teleconference run. However, in this example, the Yunoki voice message is sent **before** a teleconference run. *Yunoki* details a series of chronological steps in a method for establishing a teleconference run, starting from 5:13 and running through 9:12. The *Yunoki* procedure receives a request from a call originating subscriber to establish an upcoming teleconference run. (*Yunoki* at 5:13-17.) Invitees are then notified of the upcoming teleconference run. (*Id.* at 5:61—6:5.) If necessary, the originating subscriber may cancel the teleconference run. (*Id.* at 6:10-60.) After receiving the initial notification of the teleconference run, invitees are offered opportunities to confirm (*Id.* at 7:1-59) or decline (*Id.* at 7:60—8:41) their participation in the teleconference run. Only after these initial procedures does the *Yunoki* procedure initiate a teleconference run.

"A teleconference participant executes processes . . . for a teleconference absence notification process, a teleconference cancellation process and a teleconference status confirmation process, at any time after the [teleconference notification] process in ST2 and **before** the process in ST6 (a teleconference run process) on request from a controller." (*Yunoki* at 11:30-37, emphasis added.) Thus, in this example from *Yunoki*, the voice message is sent in advance of the *Yunoki* teleconference run, rather than after the teleconference run has begun. Applicant sees no example in Yunoki that teaches extending a persistent invitation to join an ongoing conference call after the ongoing conference call has begun. This limitation is not disclosed in Yunoki.

Application No.: 09/460,089

Additionally, the Office Action does not specifically discuss what aspect of *Yunoki* purportedly corresponds to "**issuing a token**" as set forth in Applicant's claim 1. Further, the Office Action does not include any reference to the cited art with regard to the limitation of "detecting an activation of said token." Claim 1 requires that the issuing of the token is included in the extending a persistent invitation. Applicant believes that the Office Action views *Yunoki's* voice message as corresponding to the token in Applicant's claim 1. (As noted above, the *Yunoki* voice message also appears to be the subject of the Office Action's reasoning regarding "a persistent invitation" and "a non-persistent invitation." Thus, the *Yunoki* voice message appears to be performing triple duty in the Office Action's argument regarding claim 1.) In order to teach each limitation of Applicant's claim 1, the Office Action would need to show that *Yunoki* teaches the detecting of an activation of the voice message.

The Office Action offers no explanation as to what features of *Yunoki* could be seen as detecting an activation of a voice message or of any other "token." Nonetheless, in an effort to respond fully to the pending rejection, Applicant notes that the cited material does not describe any "activation" of the *Yunoki* voice message, and further, does not describe any "detecting" of any such activation. These limitations of Applicant's claim 1 are therefore also not present in *Yunoki*.

Accordingly, Applicant submits that independent claim 1 and all claims dependent therefrom are allowable under §102(b). Independent claim 11 and all claims dependent therefrom are also allowable at least for similar reasons.

Applicant's independent claim 24 reads as follows.

24. A method comprising:

receiving at an initially unavailable network station client a persistent invitation to join an ongoing conference call, wherein said receiving occurs after the ongoing conference call has begun and comprises,

receiving a token indicative of said persistent invitation to join the ongoing conference call at said initially unavailable network station client;

activating the token in response to user input to a network station client selected from the group comprising the initially unavailable network station client and another network station client; and

adding the network station client to the ongoing conference call in response to said activating.

With regard to the limitation of "receiving at an initially unavailable network station client a persistent invitation . . . ," the Office Action cites FIG. 1, 2:16-25, and 5:13—6:5 from *Yunoki*.

Again, Applicant respectfully submits that the particular parts of *Yunoki* that the Office Action has relied upon have not been designated as nearly as practicable. Applicant submits that the Office Action has not clearly pointed out the various aspects of the claim limitations in the cited passages. For example, the Office Action does not include any indication as to what aspects of *Yunoki* are purported to correspond to the "persistent invitation," the "initially unavailable network station client," or the "token" in Applicant's claim 24. Nevertheless, the applicants have made every effort to respond to the rejections outlined by in the Office Action.

The cited portions of *Yunoki* set forth a system for automatically holding a teleconference at a specified time on a designated date. The *Yunoki* system issues an absence notice in a batch to all other participants when a scheduled participant cannot attend the teleconference. (*Yunoki* at 2:16-25.) The cited portions also describe the teleconference reservation notifier, discussed above, and the voice message for notifying teleconference participants of a teleconference run.

Application No.: 09/460,089

(*Yunoki* at 5:61—6:5.) At best, with regard to claim 24, this voice message may be seen as an invitation to a teleconference. However, the cited material does not teach or suggest that the *Yunoki* voice message is received "**at an initially unavailable network station client.**" With regard to the recipients of the voice message, *Yunoki* requires only that their names be obtained by the teleconference reservation notifier system. (*Yunoki* at 5:28-33.) The cited portions of *Yunoki* do not discuss the availability or unavailability of the recipient of the voice message. Thus, *Yunoki* fails to disclose the limitation from claim 24 that the receiving is at an initially unavailable network station client.

Additionally, the cited material does not teach that the receiving "**occurs after the ongoing conference call has begun,**" as required in Applicant's claim 24. Again, the specific features of *Yunoki* that purportedly correspond to this limitation have not been pointed out in the Office Action. As discussed above, Applicant believes the Office Action to understand the *Yunoki's* voice message as corresponding to an invitation. However, nowhere in the cited material is there a teaching that the *Yunoki* voice message is received after an ongoing conference has begun. Applicant also sees no such teaching in any other portion of *Yunoki*. Thus, this limitation is also not disclosed in the cited reference.

With regard to the limitation of "**activating a token**" in Applicant's claim 24, the Office Action cites additional lengthy passages, without designating as nearly as practicable the particular parts of *Yunoki* that the Office Action has relied upon. In particular, it is not clear what aspect of *Yunoki* purportedly corresponds to the token in Applicant's claim 24. The cited portions of *Yunoki* discuss procedures for canceling a teleconference (3:40-46), confirming the date and time of a teleconference run (3:47-51), notifying other participants of a subscriber's absence (3:52-56), generating a voice message notifying a participant of a teleconference run

(5:61—6:9), canceling a teleconference (6:10-24), and confirming a teleconference status (7:1-59). Even if the cited material includes the use of a "token" (and Applicant does not concede this point), the cited material presents no teaching that the token is activated **"in response to user input to a network station client selected from the group comprising the initially unavailable network station client and another network station client,"** as set forth in Applicant's claim 24. This shortcoming arises at least because the cited material does not describe the activation of any token "in response to user input."
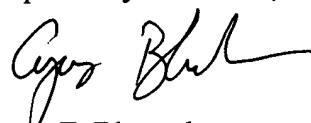
Accordingly, Applicant submits that independent claim 24 and all claims dependent therefrom are allowable under §102(b). Independent claim 39 and all claims dependent therefrom are also allowable at least for similar reasons.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on September 14, 2006.

_____   2006 Sep 14
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